

REMARKS

In the Office Action dated January 26, 2005, the Examiner objected to the specification and rejected pending claims 53-71, 73-93, 95-98, 100-102, 112-114, and 119-157. In particular, the Examiner rejected claims 80-86, 87-92, 98, 100-102, 112-114, 119-121, 143-146, 149, 150-156, and 157 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not sufficiently described in the specification. Claims 53-71, 80-86, 87-93, 95-98, 100-102, 114, 119-123, 145-150, 151, 152, and 155-157 were rejected under 35 U.S.C. § 102(b) as anticipated by *Hedges et al.*, U.S. Patent No. 4,467,424. Claims 73-79, 124, 125, 127, 129, 130, 132, 134, 136, 138, 139, 141, 143, and 144 were rejected under 35 U.S.C. § 102(e) as anticipated by *Franchi*, U.S. Patent No. 5,770,533. Under 35 U.S.C. § 103(a), claims 126, 128, 131, 133, 135, 137, 140, and 142 were rejected as obvious over *Franchi*, and claims 120, 153, and 154 were rejected as obvious over *Hedges et al.* in view of *Franchi*.

By this Amendment, Applicants have amended claims 67, 80, 84, 87, 92, 93, 98, 112-113, 119-120, 124, 129, 143, 145, 147, 150, 155, and 157, taking care not to add any new matter. Applicants have also cancelled claim 78, without prejudice or disclaimer of the subject matter recited therein.

Information Disclosure Statement

Applicants appreciate the Examiner's continued effort to locate copies of the documents submitted with Applicants' January 4, 2002 IDS.

Specification Objections

The Examiner objected to the proposed amendments to the specification on two grounds. First, the Examiner alleged that transmitting or receiving game information on a per-game basis enlarges the scope of the original disclosure. Second, the Examiner alleged that updating account balances on a per-game basis enlarges the scope of the original disclosure.

As explained in Applicants' previous response (incorporated herein by reference), the original disclosure teaches that both player activity information and game information are transmitted and received on a per-game basis. Additionally, the central controller may include a processor for adjusting player account balances on a per-game basis. Nonetheless, to advance prosecution, Applicants have amended the specification to recite "means for transmitting player activity and game information to the central controller ~~on a per-game basis,~~" and "a processor for adjusting the player account balances ~~on a per-game basis,~~" although Applicants expressly maintain that "pre-game" updating is within the scope of the original disclosure. Therefore, Applicants respectfully request the entry of the foregoing specification amendments and the withdrawal of the objections to the specification.

Section 112 Rejections

The Examiner rejected claims 80-86, 87-92, 98, 100-102, 112-114, 119-121, 143-146, 149, 150-156, and 157 under 35 U.S.C. § 112, first paragraph. The Examiner alleged that updating account information on a per-game basis constitutes new matter. In addition, the Examiner also rejected claims 67-71, 80-86, 151-154, 87-97, 145-148, 150, and 155-157 under

35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

As explained above and in Applicants' previous response, per-game updating is not new matter because it was described in Applicants' original disclosure.

Nonetheless, in order to advance prosecution, Applicants have amended independent claims 67, 80, 87, 93, 98, 112, 119, 143, 145, 149, 150, and 155. Applicants submit that all pending claims fully comply with 35 U.S.C. § 112, first paragraph requirements. Thus, Applicants respectfully request the reconsideration and withdrawal of the rejections of claims 67, 80, 87, 93, 98, 112, 119, 143, 145, 149, 150, 155, and the claims that depend therefrom.

Section 102 Rejections

Claims 53-71, 80-86, 87-93, 95-98, 100-102, 114, 119-123, 145-150, 151, 152, and 155-157 were rejected under 35 U.S.C. § 102(b) as anticipated by *Hedges et al.*, U.S. Patent No. 4,467,424. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131 (8th ed. 2001, revised May 2004). Applicants respectfully submit that *Hedges et al.* fails to disclose every element of amended claims 53-71, 80-86, 87-93, 95-98, 100-102, 114, 119-123, 145-150, 151, 152, and 155-157.

Because *Hedges* does not teach every element of claim 53 as amended, and the claims that depend therefrom, Applicants respectfully request the withdrawal of the Section 102 rejections of claims 53-59.

Amended claim 53 recites, among other things, a game terminal including means for determining the result of a game. In contrast, in *Hedges et al.*, the numerical results of a game are determined by a remote croupier station. (*Hedges et al.*, col. 3, ll. 7-14; col. 6, l. 67 - col. 7, l. 4.) *Hedges et al.* allows players to remotely participate in a live action table game, such as

roulette or craps, the results of which are determined at the remote live action table or “croupier station.” (*Hedges et al.*, col. 6, l. 65 col.- 7, l. 4). In *Hedges et al.*, a human being (known as a croupier) “enters the numerical results of the game on the keyboard 113 of croupier station 11 which sends a message to credit station 9.” (*Hedges et al.*, col. 13, ll. 53-56.) Thus, player station 10 in *Hedges et al.* functions merely as a remote display, and as such, is incapable of functioning independently from the croupier station. (*Hedges et al.*, col. 3, ll. 7-14; col. 6, l. 67 - col. 7, l. 4, col. 7, ll. 56-61.)

As discussed in Applicants’ response dated January 20, 2001 in the prosecution of Application No. 08/877,375 (now U.S. Patent No. 6,280,328), the parent of this application, the player stations in *Hedges et al.* clearly do not include means for determining the result of a game. Nor would one of ordinary skill be motivated to modify the player stations in *Hedges et al.* to include means for determining the result of a game, because that would defeat the very purpose of *Hedges et al.* Accordingly, because *Hedges et al.* does not teach every element of amended claim 53 and the claims that depend therefrom, Applicants respectfully request the withdrawal of the Section 102 rejections of claims 53-59.

Like amended claim 53, amended claims 60, 67, 93, and 98 recite, among other things, a game terminal including means for determining the result of a game. For the reasons given above, *Hedges* fails to disclose this combination of elements, as required by independent claims 60, 67, 93 and 98, and the claims that depend therefrom. Therefore, Applicants respectfully request the withdrawal of the Section 102 rejections of claims 60-71, 93, 95-98, and 100-102.

Similarly, independent claims 80 and 87, as amended, recite a method that includes determining, by a game terminal, the result of a game. As discussed above with respect to claim

53, *Hedges et al.* fails to disclose a game terminal that determines the result of a game as required by independent claims 80 and 87, and the claims that depend therefrom. Therefore, Applicants respectfully request the reconsideration and withdrawal of the Section 102 rejections of claims 80-86, 87-92, and 151-152.

Amended claims 112, 119, 122, 145, 147, and 155 recite, among other things, determining the result of a game. For the reasons given above, *Hedges et al.* fails to disclose this subject matter, as required by amended claims 112, 119, 122, 145, and 155, and the claims that depend therefrom. Therefore, Applicants respectfully request the reconsideration and withdrawal of the Section 102 rejections of claims 114, 119-123, 145-150, and 155-157.

Claims 73-79, 124, 125, 127, 129, 130, 132, 134, 136, 138, 139, 141, 143, and 144 were rejected under 35 U.S.C. § 102(e) as anticipated by *Franchi*, U.S. Patent No. 5,770,533. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131 (8th ed. 2001, revised May 2004). Applicants respectfully submit that *Franchi* fails to disclose every element of amended claims 73-79, 124, 125, 127, 129, 130, 132, 134, 136, 138, 139, 141, 143, and 144.

Amended claim 73 recites a method that includes, among other steps, transmitting game information to a central controller after each game for which a wager amount was received, the game information including the result of the game.

Franchi fails to disclose transmitting a result of a game to a central controller, as recited in amended claim 73. In *Franchi*, after a game is complete, a player's account is debited by an individual game computer, and the amount of winnings and losses are then sent to a central computer. (*Franchi*, col. 6, ll. 32-36). The central computer in *Franchi* "keeps a running total of

the credit available to each player.” (*Id.*) Thus, the central computer in *Franchi* merely functions as an accounting device to store and verify credit information for each player’s betting card, and as such, never receives a game result. (*See Franchi*, col. 5, ll. 50-60; col., 11, ll. 3-6).

Because *Franchi* fails to disclose every element of amended claim 73, and the claims that depend therefrom, Applicants request the withdrawal of the Section 102 rejections of claims 73-79.

Like claim 73, claims 134, 139, and 144, as amended, recite a method that includes transmitting, by one of a plurality of game terminals, game information to the central controller after each game for which a wager amount was received, the game information including a result of the game. *Franchi* fails to disclose such a method for at least the reasons given above. Therefore, the reference fails to disclose every element of claims 134, 139, and 143, and the claims that depend therefrom, and Applicants request the withdrawal of the Section 102 rejections of claims 132, 134, 136, 138, 139, 141, 143, and 144.

Amended claims 124 and 129 recite, among other things, a central controller including means for receiving a result from a game terminal after each game for which a wager amount was received by the game terminal. As discussed above, *Franchi* fails to disclose such a structure. Therefore, the reference fails to teach every element of claims 124 and 129, and the claims that depend therefrom, and Applicants request the withdrawal of the Section 102 rejections of claims 124, 127, 129, 130, and 132.

Section 103 Rejections

Claims 126, 128, 131, 133, 135, 137, 140, and 142 were rejected under 35 U.S.C. § 103(a) as obvious over *Franchi*. To establish a *prima facie* case of obviousness under 35

U.S.C. § 103(a), each of three requirements must be met. First the reference or references, taken alone or combined, must teach or suggest all the claim limitations. M.P.E.P. § 2143 (8th ed. 2001, revised May 2004). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. *Id.* at § 2143.01. Third, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. *Id.* at § 2143.02. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” *Id.* at § 2143.

Claims 126 and 128 depend from allowable claim 124 and therefore indirectly recite a central controller including means for receiving for receiving a game result from the game terminals after each game. As discussed above with regard to claim 124, *Franchi* fails to teach or suggest such a structure. Therefore, *Franchi* fails to teach or suggest every element of claims 126 and 128, and Applicants request the withdrawal of the Section 103 rejections of these claims.

Claims 131 and 133 depend from allowable claim 129 and therefore indirectly recite a central controller including means for receiving a game result. As discussed above with regard to claim 129, *Franchi* fails to disclose such a structure. Therefore, *Franchi* fails to teach or suggest every element of claims 131 and 133, and Applicants request the withdrawal of the Section 103 rejections of these claims.

Claims 135 and 137 depend from allowable claim 134, which recites a method that includes transmitting, by one of the plurality of game terminals, game information to the central controller after each game for which the wager amount was received, the game information

including the result of the game. As discussed above with reference to claim 134, *Franchi* fails to disclose such a method. Therefore, *Franchi* fails to teach or suggest every element of claims 134 and 137, and Applicants request the withdrawal of the Section 103 rejection of these claims.

Claims 140 and 142 depend from allowable claim 139 reciting a method that includes transmitting, by one of the plurality of game terminals, game information to the central controller after each game for which the wager amount was received, the game information including the result of the game and the wager amount. As discussed above with reference to claim 139, *Franchi* fails to disclose such a method. Therefore, *Franchi* fails to teach or suggest every element of claims 140 and 142, and Applicants request the withdrawal of the Section 103 rejection of these claims.

Claims 120, 153, and 154 were rejected as obvious over *Hedges et al.* in view of *Franchi*. Claims 120, 153, and 154 depend from claims that are allowable for the reasons given above. Therefore, Applicants request the reconsideration and allowance of amended claims 120, 153, and 154.

Conclusion

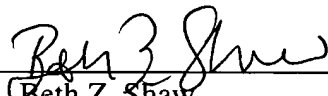
In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please charge any fees which are not enclosed, including any fees required for an extension of time, to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 25, 2005

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